

REMARKS

Claims 1-4, 6-11, 13-47, and 49-75 are pending in the specification. Claims 1, 46, and 76 have been amended. Claims 12, 48, and 76-78 have been cancelled. The Abstract has also been amended. No new matter has been added. Applicant requests reconsideration of this application in light of the above amendments and the following remarks.

Rejection of the Specification

The Cross-Reference section of the specification has been corrected to reflect the proper relationship between the present application and U.S. Patent No. 6,714,987. No claim of priority is made to the prior document.

The Detailed Description of the specification has also been updated to reflect the issuance of U.S. Patent No. 6,714,987, which replaces the application formerly cited with attorney reference number 22171.121.

Rejection of the Abstract

The Abstract has been amended to more concisely describe the present disclosure.

Rejection for Double Patenting

Enclosed herewith is a terminal disclaimer in compliance with 37 CFR 1.321(c).

Rejection under 35 U.S.C. §101

Claims 46-78 stand rejected under 35 U.S.C. §101. Independent claims 46 and 76, as now amended, define interaction between claim elements and contain express functionality. As the deficiencies of claims 46 and 76 identified by the Examiner have been addressed and as the remainder of the claims were rejected for inheriting the deficiencies of claims 46 and 76, Applicant requests that the rejection of claims 46-78 under 35 U.S.C. § 101 be withdrawn.

Rejections Under 35 U.S. C. §112

Claims 1-4 and 6-78 stand rejected under 35 U.S.C. §112, first paragraph. Applicant respectfully traverses this rejection on the grounds that the specification clearly enables one skilled in the art to practice the invention. The Examiner has stated that the interaction of the system elements are not sufficiently described. However, Fig. 7 and the written description on pages 21-24, for example, clearly define interfaces illustrating the interaction of various components. The core network, which is identified as providing many of the session management functions described throughout the specification (see, e.g., page 20, line 20 – page 21, line 5; page 21, lines 23-26), is illustrated with functional components in Fig. 4. The functionality of the core network components and their interaction with other portions of the network are described in numerous locations throughout the specification. Moreover, Figs. 8-16 and their supporting text clearly describe various examples of call flows, including the interaction between different components described in the specification. Accordingly, Applicant requests that the rejection under U.S.C. §112, first paragraph, be withdrawn.

Claims 1-4 and 6-78 also stand rejected under 35 U.S.C. §112, second paragraph. Claims 1, 46, and 76 have been amended to overcome this rejection. Additionally, key terms cited by the Examiner as undefined are clearly defined in the specification. For example, “access management layer” (AML) is described in detail throughout U.S. Patent No. 6,714,987 as specified on page 15 of the current application (as amended). The term “access technology” is defined and described throughout the specification including page 8, line 19; page 9, line 26; and page 24, line 14. The term “access interface” is described with examples at page 24, lines 18-20. Because the terms of the claims are clearly defined, Applicant respectfully requests that this rejection under U.S.C. §112, second paragraph be withdrawn.

Rejections Under 35 U.S.C. §103

Claims 1-4, 6-11, 13-47, and 49-75 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,452,915 to Jorgensen ("Jorgensen"), in view of U.S. Patent No. 6,546,425 to Hanson et al. ("Hanson"). As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." (emphasis added). Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the Office action fails to factually support a prima facie case of obviousness based on Jorgensen and Hanson for the following reasons.

It is submitted that, in the present case, a prima facie case for obviousness does not exist because, even when combined, the references fail to teach or suggest each element of claims 1 and 46.

Claim 1

Claim 1, as amended, recites in part invoking service through an allied application server on the network to establish an amount of network resources requested by the first user, wherein the allied application server manages any changes requested by the first user to the quality of service parameters and bandwidth amount through the core network.

Applicant submits that the combination of Jorgensen and Hanson fails to teach at least the above recited element of claim 1 as required by MPEP § 2143, and claim 1 is allowable over the cited references. Claims 2-4, 6-11, and 13-45 depend from and further limit claim 1 and are allowable for at least the same reason as claim 1.

Claim 46

Claim 46, as amended, recites in part a core network connected to the access management layer, the core network configured to control network resources associated with the mobile device and maintain user and network information associated with the mobile device; an allied application service platform that forms an intranet network connected to the core network, the allied application service platform configured to access the user and network information maintained by the core network to provide application specific services to an application located on the mobile device, wherein the services are customized for the user by the allied application service platform based on the user and network information; and an application service platform within the Internet independent from the core network and connected to the access management layer, the application service platform configured to provide application specific services to an application located on the mobile device without having access to the user and network information maintained by the core network.

Applicant submits that the combination of Jorgensen and Hanson fails to teach the above recited elements. For example, nowhere does the cited text of Jorgensen teach or suggest an allied application service platform configured to access the user and network information maintained by the core network to provide application specific services to an application located on the mobile device, wherein the services are customized for the user by the allied application service platform based on the user and network information. Furthermore, Hanson fails to remedy this deficiency of Jorgensen, as Hanson also fails to teach or suggest such an element.

Accordingly, the combination of Jorgensen and Hanson fails to teach or suggest each limitation of claim 46 as required by MPEP § 2143, and claim 46 is allowable over the cited references. Claims 47 and 49-75 depend from and further limit claim 46 and are allowable for at least the same reason as claim 46.

Conclusion

It is respectfully submitted that independent claims 1 and 46 are in condition for allowance. Dependent claims 2-4, 6-11, 13-45, 47, and 49-75 depend from and further limit their respective independent claims and therefore are allowable as well. Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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<p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 28, 2004.</p> <p><i>Gayle Conner</i></p> <p>Gayle Conner</p>
